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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, The United Kingdom of Great Britatin and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 2 February, 1946, 1000-1300, Lord Justice Lawrence, residing.

COURT OFFICER: May it please the Court, I desire to announce that the defendants Kaltenbrunner, Seyss-Inquart, and Streicher will be absent from this morning's session due to illness.

M. FAURE: Gentlemen: I shall ask the Tribunal to be kind enought to now take the dossier which is entitled "Luxembourg."

The Tribunal has already been informed of the essential elements of the situation concerning Luxembourg in part of the testimony of the President Reuter, which was heard during yesterday's session. I will, therefore, be able to shorten my presentation concerning this brief, only retaining the indispensible parts which I shall submit to the Tribunal with the documents.

The annexation of Luxembourg presents a very special situation, in that it includes the total abolition of the sovereignty of this occupied country. It is a case which corresponds to the hypothesis which we call the classical law, that is to say, the cessation of hostilities by the disappearance of public law of one of the belligerents.

This total annexation of Luxembourg completes the proof that there was criminal premeditation on the part of the Reich against the State towards which it had been agreed by diplomatic treaties, notably the Treaty of London, 11 of May, 1867, the Treaty of arbitration and conciliation on the 2nd of September, 1929, and the Tribunal knows by the testimony of Mr. Reuter that these engagements were confirmed, first by diplomatic steps which took place in 1939 by M. von Radowitz, the Plenipotentiary Minister for Germany, and then by a reassuring statement a few days before the invasion, under circumstances which have already been explained to the Tribunal.

Given that Luxembourg differs from Alsace and Lorraine, which were departments; given that Luxembourg was a state, the Germans had to, in order to carry out this de facto annexation, issue special regulations concerning the

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suppression of public institutions. Two ordinances of October 1940 show, on the one hand, the dissolution of the Chamber of Deputies and the State Council, and on the other hand, the prohibition of Luxembourg's political parties. These two ordinances I offer as documents under Number 801 and 802. I request the Tribunal take judicial notice of these documents, which are public documents.

On the 26 of August, 1940, moreover, a German decreee abolished the constitutional operative formula, according to which justice is rendered in the name of the sovereign. A formula rendering justice in the name of the people was substituted at that time for this operative formula.

On the 15 of October 1941, the formula was modified again in a more obvious way and became: "In the name of the German people."

I shall now follow in my supplementary explanation the same order of ideas which I adopted for Alsace and Lorraine and naturally I shall stress only circumstances which are special to Luxembourg.

Thus, as in the case of Alsace and Lorraine, the Germans attempted to extirpate the national sentiment of Luxembourg and to make impossible all manifestations of the traditional culture of this country. Thus, the decrees of August 28, 1940 and of the 23 of October 1940, prescribed associations of a cultural or educational nature.

As in Alsace and Lorraine, the Germans imposed Germanization of family names and Christian names. This is clear from a decree of the 31 of January, 1941, concerning Luxembourg, document 803. I point out that the wearing of a beret also was forbidden in Luxembourg by decree of the 14 of February 1941.

At the same time that they did away with national institutions the Germans set up, according to their custom, their own administration and they appointed a Gauleiter in the person of Gustav Simon, previously Gauleiter of Koblentz-Trier.

From the administrative point of view the Grand Duchy of Luxembourt was administered as Reich territory from the Chief of the Administrative Service but it was the German Administrative Service from the point of view of the National Socialist Party. It was officially joined to the Reich.

I shall not stress the utilization of the civilian and penal institutions in Luxembourg, which we already have studied for Alsace and Lorraine. The proof

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of this must be considered sufficiently furnished by submitting the official report of the Government of the Grand Duchy.

As far as nationality is concerned, there is also a parallel between the provisions which regard Luxembourg and those which concern other annexed countries.

On the date of August 30, 1942, two decrees were promulgated. It must be pointed out here that these two decrees, of which one concerns nationality and the other military service, are both of the same date.

The decree concerning military service is submitted as document 804 and the decree concerning nationality is submitted as document 805. The legislation concerning nationality includes, moreover, a provision which is special to Luxembourg, although it is in conformity with the general spirit of German legislation concerning nationality in annexed countries.

The Germans had created in Luxembourg different organizations of the Nazi type, of which the principle one was the Volksdeutsche Bewegung, and here is the special circumstance which I wish to point out. A decree concerning nationality of the 30 of August, 1942, grants German nationality to persons who gave their adherence to this association, the Volksdeutsche Bewegung, but this nationality could be revoked. This is pointed out in the last part of the first part of that document. In fact, this conferring of nationality in special cases had value only for two years and that provisionally.

At the same time that the Nazis established conscription, they made it obligatory for all young Luxembourgers to serve in the pre-military associations of the Hitler-Jugend. This is brought out in a decree of August 25, 1942, concerning the camps of Hitler Youth, which is Document 806. Just as in Alsace and Lorraine, compulsory labor was imposed in Luxembourg, not only for men but also for women, and also for work which was of a military nature. These provisions are clear from three decrees; the decree of May 23, 1941, the decree of February 10, 1943, and the decree of February 12, 1943. These last two decrees are introduced as document 807 and 808.

I would now like to cite another circumstance, which is special to Luxembourg, of which proof is found in the official report of the Government of Luxembourg, which has already been submitted to the Tribunal. According to this

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report, page 4, paragraphs 7 to 8, it is stipulated -- the quotation is short and I did not put all the official report in the document book, and I will only cite one sentence. By decree, which appeared in the official report for Luxembourg, 1942, page 232:

"Part of the Luxembourg population was forced to enter into the personnel of a group called 'Sicherheits' and 'Hilfsdienst', a paramilitary organization, which wore uniforms and carried out military drills. A part was sent forcibly to Germany to carry out their tasks, which were very dangerous at the time of the aerial attacks of the Allied forces."

The Nazis made a special effort to obtain the Nazification of Luxembourg. They thought up a special method for this country, of which the original conception was founded on the linguistic element. They developed the official thesis that the Grand Duchy of Luxembourg belonged to the German linguistic group. They formulated propaganda, according to which the dialect spoken in Luxembourg was a Franconian dialect of the Moselle and constituted a variant of high German and, after having developed this theory, they took a cencus of the population, of which the witness spoke yesterday to the Tribunal. This census took place on the 10 of October 1941. I wished to have the witness speak on this point because no information on the result of the census was furnished in the official report of the government and the Tribunal now knows for what reason since the Tribunal learned that the German authorities had immediately stopped the census as soon as they observed that the number of persons who corresponded to their desires was ridiculously small in number.

After this failure the Germans considered that the Luxembourg dialect had ceased to be merely a political front for them. By memorandum of the 13 of January, 1942, which I submit as document 809, they forbade officials to use this dialect in conversations with the public, either orally or by telephone, which obviously troubled a great number of persons.

The enterprise of Nazification was carried out on the other hand, by the creation of groups with the customary point of view. The principal of these groups was the Volksdeutsche Bewegung and I shall cite, in concluding this point, a sentence from the Luxembourg report, which is thus expressed:

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"Adherence to the Volksdeutsche Bewegung was the condition sine qua non for the maintenance of officials in their official positions; of private employees in their positionsl of liberal careers in the exercise of their profession, lawyers, physicians and so forth; industrialists in their property and everyone in his way of earming his living. The constraint was marked by people being discharged, by people being taken out of the country and whoe families being deported."

The penalties which were taken against the Luxembourgers, who refused these solicitations, was accompanied by a formula which shows the Nazi mentality and which I shall read to the Tribunal, according to the text, which is found in the government report. It is very short quotation.

"Because of their attitude these persons do not offer the guarantee that they will fulfil in an exemplary manner at any time or without any reservation and during the outside their professional activity, they will not fulfil the duties which find their foundation in the establishment of the civil administration in Luxembourg and in the pro-German attitude (sic:) of the population."

The Nazis also sought to develop in Luxembourg the body of the SA.

THE PRESIDENT: Have we got this report? Has this governmental report been deposited?

M. FAURE: The report of the Luxembourg Government was submitted to the Tribunal by my colleague M. Dubost and I only submitted a very short quotation and therefore did not put it in the document book.

THE PRESIDENT: M. Faure, it would help me if, when you are citing, and you do not have the document in the document book, you gave me the page of the dossier.

M. FAURE: I shall give the page in a moment, the page of the citation which I just gave.

THE PRESIDENT: I think it is on page 3399.

M. FAURE: I am told it is page 4, Mr. President, page 4 of the document concerning Luxembourg.

The Nazis also utilized all sorts of means of constraint to obtain adherence to the SA as well as to the motorized group of the SA, which is designated by the initials NSKK.

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I would like now to point out to the Tribunal that a special effort was made towards the youth of Luxembourg because the Nazis thought it would be easier to have them accept their precepts and their doctrines and I must also say they even thought they could get small children to accept these doctrines.

I submit to the Tribunal document 810, which is a memorandum of the 22 of May, 1941, addressed to the Director of Higher Education. This is a very short document and I ask you to permit me to read from it.

"Upon order of the Gauleiter, the members of the teaching body are obliged to acquire, from the 1st of January 1941, the book of the Fuehrer "Mein Kampf." From here to the 1st of September, 1941, every member of the teaching personnel must make a statement on his honor that he has read this work."

The Germans thought then that the obligatory reading of "Mein Kampf", for which they anticipated a delay of three months, might convince the professors of the value of these Nazi doctrines, who, in turn, could then teach it to the pupils.

Here is another document, document 811, which I permit myself to read to the Tribunal, because it is not long. It is quite characteristic. This is an extract from a memorandum addressed to the pupils of Luxembourg, 16th of June, 1941:

"It is the duty of all pupils to arise when the professor arrives and also when he leaves the class at the end of his courses. The German salutation will be done as follows: You must lift the right hand to the height of the shoulder and then must say 'Heil Hitler.' The pupils are obliged to reply to the professor, who will begin and will end his course by the same salutation. I expect also from all pupils that they greet in the German fashion each other in the street and that they greet gentlemen whom they know to be enthusiastic partisans of this doctrine."

These German methods reached their culminating point with the imposition of the oath of allegiance to Hitler, the oath which was imposed upon the state police. I refer on this point to the testimony of M. Reuter, which specifies that those who refused to do so were deported, and most of them were shot. I also submit as proof on this point a report of the government, which gives corresponding information, on page 12.

As in the other annexed territories, the Luxembourgers did not yield to these German methods, and there also they tried to break the resistance by terror. I should mention a regulation -- quite special -- which was the decree of the 2nd of June, 1941. This will be document 812, which has as a title, "Decree on the entering in force in Luxembourg, of the law of February, 1936, concerning the Gestapo." This title is adequate to show the subject.

The Gestapo established in Luxembourg emergency tribunals, summary tribunals, which were called "Standgericht", and which were SS tribunals. These jurisdicitions, if we can use the term of jurisdiction, pronounced numerous

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condemnations for political reasons. A chart of these convictions is appended to the governmental report. In one tribunal of which I spoke a short time ago there were sixteen death sentences, and 384 were convicted and given penalties which deprived them of their liberty. The report specifies, and the witnesses also confirm it, that there were about 500 who were condemned to death in the country, which is a considerable number when the population is not very great.

There is also reason here to mention, I believe, the point of view of Germanization and the measures of deportation, which the Tribunal already knows by the testimony of M. Reuter. These measures of deportation were applied systematically to the intellectual elite of the country, to the clergy and persons who had served in the army. These circumstances show the will to do away with the social backbone--intellectual and moral backbone--of this country.

The Luxembourg report furnished an appendix with a list of names for deportations of officers, of magistrates--men who were interested in the politics in the Grand Duchy--writers, economic leaders. I shall only give one figure on a striking point. We see the Germans expelled or deported 75 ecclesiastics, which, in relation to a population such as that of Luxembourg, shows clearly the will to paralyze completely the celebration of religion. The official report also gives information concerning the property of religious orders which was confiscated, and most of the buildings which were used in the celebrating ceremonies were confiscated.

Concerning the agricultural colonization: An organization called "Fur Deutsche Volkstum und Siedelung" was entrusted with the liquidation of the property of Luxembourg deportees for the benefit of Tyroleans in the south who then came into the Grand Duchy.

Also, industrial and economic colonization: We find the same methods here --spoliations. I don't want to go over this ground, for the Tribunal already knows the way in which they were carried out, but I should like here to cite one example concerning Luxembourg, concerning general points of the methods and to give a documentary example. From this example, this document that I have cited, I think that you can deduct important conclusions from the point of view of the application.

The document which I am going to cite concerns one case which happened, among others -- one case in which the German authorities wished to oblige

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private citizens and economic companies to give up their assets and to give over the control of their businesses to the Germans. That was colonization, and consisted in putting German nationals in the business affairs with the important assets of an economic nature. The Minister of Economy concerned himself with these methods, these illicit methods which were destined to spoliate the private citizens and to Germanize the country. The document bears the number 813. It is offered as a document by the Luxembourg Government, and it is an original document. You find in the heading "The Reich Minister of Economy," signed the 5th of January 1943, Berlin. This letter had the heading "The Minister of Reich Economy", and is signed by the order of Dr. Saagor. He is a subordinate who is acting in a legal fashion, administratively, on the order of his minister. This letter bears the letters "Secret", and concerns the Tudor battery firm, and is addressed to the battery factory to the hands of Mr. von Holtzendorf of Berlin, Place Askanienne No. 3. We understand that the Ministry of Economy requests that this battery firm should be forced to yield its interest to the Germans. I quote:

"Referring to our repeated conversations, I confirm that it is in the interests of the Empire and is considered very desirable that your company obtain a definite share of direction in the stock of the Tudor Batteries. This interest of the Empire is not founded on requirements of economic order of national defense.

"In order to obtain this important participation, shares belonging to Mr. Leon Laval, previously in Luxembourg and now in Mergentheim, are of first importance. It is not only the shares of Mr. Laval that he possesses personally, but, moreover, the 3,000 Tudor shares which are in the hands of Sogeco."

I now come to a very important paragraph:

"I ask, consequently, that the necessary negotiations be undertaken immediately. I am anxious to have it pointed out that you will have, first of all, the authority of the Gestapo and the authorization of the State Police to negotiate with Mr. Laval, and then you can request the latter for an agreement to transfer these shares to your company, in the event that Mr.Laval will give his agreement. I have informed the Gestapo of the question. If the result of your negotiations makes it useful, I am ready to once again point out to the Gestapo how urgent your mission is." End of the quotation.

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Now I would like to show the Tribunal a supplement to this, document 814, which continues the maneuver with which the Reich Minister of Economy was shown to be in connection with the Gestapo in order to obtain the spoliation of private citizens. This letter is a letter addressed to a private citizen, who was going to be obliged to sell his shares, Dr. Engineer Leon Laval. Here is the text of this letter, which is dated Luxembourg, 14 January 1942, which bears the heading of the Commander of Security Police in the SD inLuxembourg:

"You must remember the date of 19 January 1942 and the following days, at your residence, which are at the disposal of the representative of the battery factory A.G. Berlin, the director von Holtzendorf." The quotation is interrupted.

The Tribunal knows that the name of von Holtzendorf, to whom the letter was addressed, was in the Reich Ministry of Economy. I continue the quotation:

"Mr. von Holtzendorf is in possession of a special authorization of the RSHA, and will discuss these business matters with you. Heil Hitler. Signed, Hartmann."

The Tribunal can see, I am sure, if I submit these two documents, it isn't because I find it very important in the scope of this trial that the Tudor Battery firm was despoiled, an illicit act which was to their prejudice, but I want especially, and I think it is a very important in the trial, to emphasize, and I shall do it each time when the document gives me the opportunity, the interference which exists between the different German services or authorities of which the defendants were the chiefs or leaders. Certain persons can't believe that all the German crimes must be imputed to the Gestapo. It is certain that the Gestapo is a criminal organization--a quite characteristic criminal organization--but the Gestapo did not function all by itself. The Gestapo acted on the order and in liaison with the civil administration and with the military command. We heard yesterday, in relation to the Bishop of Strasbourg and also in relation to the University of Strasbourg, this plan of recourse wh ich the civil minister and his representatives had to the police agents. We also see and note that in relation to the economic documents which I have just read to the Tribunal.

I shall conclude now the first chapter of my brief. I want to make it known that the work for the documentation and the preparation of this chapter was carried out with the aid of my assistant, Mr. Albert Lunter.

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I should like now to hand to the Tribunal the first dossier of the second chapter, concerning the seizure of sovereignty. This first dossier includes general ideas which I think I should take up with the Tribunal before supporting them by documents. Consequently, the Tribunal has before them a dossier, and in the first part of this dossier there are no documents.

The Germans occupied the territories of five powers, if one does not count Luxembourg, which was annexed and of which I spoke just now. Of these five countries, three kept governmental authority. These are Denmark, Norway, and France. However, the cases of these three countries are entirely different. The Government of Denmark was a legitimate government; the government of France was a de facto government, which at the beginning exercised a real authority over the non-occupied territories; the government of Norway was also a de facto government, which has reamined the symbol of puppet governments. The two other powers, Belgium and Holland, did not keep authorities with a governmental character, but only those with administrative authority, of which the highest were the general secretariats of the ministerial departments.

Faced with these situations, the Germans, according to the terms which I use, differentiated their methods of domination. Moreover, they did not establish a method corresponding to the internal organization of each country under consideration. At first it was rather complate. From an initial point of view, the usurpation of sovereignty by the occupying power assumed three different forms. We shall speak here of the external method. First form: Exercise of direct legislative or regulatory power. In saying this we mean the exercise in all the measures in which it surpassed the powers of limited regulation accorded to the occupation armies according to international law. Second form: The indirect exercise of the legislative or administrative power through local authorities. This measure includes itself two divisions: First, a mere order by regulation, which, in the case of local authorities, are administrative authorities; on the other hand, pressure, which is the case when the local authorities are authorities of a governmental character, either de facto or de jure. It should be noted, moreover, that the pressure sometimes takes on a characteristic which assimilates it completely with the mere order by regulations.

We include also, in this idea of pressure, the recourse which was had to the complicity of traitors.

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The third form is purely and simply the use of force. We do not mean by this individual assault and battery, for this does not concern us. We mean force which results from the order of a competent occupation authority, which consequently entails the responsibility of a superior.

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If we now consider the question of identifying the agents of usurpation, we observe that these agents may be classified in five categories:

1. In the first place, we have the establishment of the Reichkommissar, which was only applied in Norway and in Holland. That is to say, on the one hand it was applied to a country which kept a governmental authority, at least in appearance and during a definite period; on the other hand, it was applied to a country which had only administrative authority.

2. In the second place, we have the military administration. The military authorities exercised in all countries powers absolutely disproportionate to those which belonged to them lawfully.

I must note here that only these two first agents, the Reichkommissar and the military authority, were able to carry out usurpation through issuing directly legislative acts or regulations. In the two powers, where there existed a Reichkommissar, there was naturally a sharing of powers between this Reichkommissar and the military authority.

3. The third agent of usurpation is established by the diplomatic administration which depends on the Foreign Office. Diplomatic representations existed only in countries which had governmental authorities and where there did not exist a Reichkommissar. We are talking of Denmark and of France.

These diplomatic representatives of the Reich - thereby differing from the Reichkommissar and the military authority - did not have illicit power, but formal power of legislation or issuing regulations. Nevertheless, their role in the usurpation of sovereignty is not secondary. It is, on the contrary, very important. Their principal activity was manifested, naturally, in direct pressure upon local authorities to whom they were accredited.

I should like to bring out two points here. It might be thought, from a logical point of view, that in an occupied country like France, the intervention of the occupying powers with the local authorities would be the exclusive authority of diplomatic representatives. Such is not the case. The military authority also intervened on frequent occasions through direct contact with French authorities. Inversely, the diplomatic representatives di not limit themselves to the powers inherent to their functions. That is one

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of the characteristics of the Nazi method, exceeding general powers. It is, moreover, upon reflection, a necessary result of the undertaking.

Granted that the usurpation of sovereignty in a country which is occupied in a military fashion is an illicit and abnormal matter, it does not come within the normal competency of the categories of public functions as understood by civilized nations. The diplomatics, as well as the military, exceeded their powers, and there was also an overlapping of functions. The diplomats and the military were concerned with the same things. We shall see this in relation to propaganda, for instance; we shall see it in relation to the persecution of the Jews. The military authority, in general, acted in a more obvious way. The diplomatic administration acted, by preference, in domains which were not publicized. There existed between them a constant liaison for all questions which concerned the occupied countries.

4. The fourth agent of usurpation was the police administration. The German police was set up in all occupied countries, often under the form of several distinct administrations, according to the principles which were presented to the Tribunal when the American prosecution revealed the inner workings of the immense, complex, and terrible police organism of the Nazis. The police did not have limited or exclusive functions. They acted in close and constant relation with the other agents which we have defined.

5. The fifth agent which we must mention is represented by the local branches of the National Socialist party and the organizations similarly inspired which sought to group the nations of the occupied countries. These organizations served as auxiliaries to the German authorities, and in a specific case in Norway they furnished the foundation of a so-called government.

I have tried to sketch this picture, for it seems that we may draw from it a conclusion which has a direct bearing on the accusation which I have already touched upon during my exposition on Luxembourg.

We have seen that the German enterprise, undertaking usurping of sovereignty, was carried out by means of different organs which were associated in this action. We must not forget that in the occupied countries this

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usurpation was the method of realization. This usurpation, as I said, was not the exclusive work of one official or of one ambassador or of one military commander. In countries which had a Reichkommissar there also existed a military administration. In countries placed under the sole regulating authority of the Army there also existed diplomatic agents. In all cases there existed police authorities.

In all these occupied countries there resulted from the occupation and from the usurpation of the sovereignty, abuses and systematic crimes. The Tribunal already knows many of them. Others will be pointed out to the Tribunal.

As a result of what I have just said, we see that the responsibility for these abuses does not involve only one or the other of the administrations which we have mentioned. It involves all of the administrations. If, for instance, it is true that in Belgium there was no diplomatic representation, this representative existed in France and in Denmark. Thus, the Department of Foreign Affairs and its leader could not be ignorant of the occupation conditions which, as far as the principal features are concerned, were established in the different countries.

Moreover, as I have just said, these co-existing administrations had no fixed division of functions. Even if this division of functions had existed, it must be pointed out that the responsibility and the complicity of each in the action of the others would have sufficiently resulted from their obvious knowledge and their approval - which was at least implicit - as far as this action was concerned. However, this division did not exist, and we shall show that all were associated and accessory to a common action.

Now, this very fact involves a more extensive consequence. The association and the complicity of these different departments involves a responsibility of a general nature as far as all the leaders and all the organizations accused here are concerned.

I wish to speak of this a little further. If, for instance, all the abuses and all the crimes were the work only of the Army without any interference, perhaps it would be possible for one personage, for one organization

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which did not have military functions, to claim that it had no knowledge of these abuses and of these crimes. I think that this thesis would be, even in this case, difficult to uphold since the extraordinary character of the undertakings which we denounce did not permit them to be ignored by anyone who exercised a higher authority. However, since several administrations are jointly responsible, it follows necessarily that the other authorities are also responsible for the matter. As far as this point is concerned, it was the affair of not one administration or even of three administrations, but the affair of all the administrations. It involved all the authorities of the state.

I shall speak presently of the order for deporting Jews, and I shall show that this order was the result of a common action of the military administration, the diplomatic administration, and the Security Police in the case of France. It follows that in the first place the leader of the High Command, in the second place, the Minister of Foreign Affairs, and in the third place the Chief of the Security Police and the Reich Security Service were all necessarily informed and necessarily approved this action, for it is evident that their offices did not keep them in ignorance of such actions concerning important affairs, where, moreover, decisions were planned in common in each echelon among the three different administrations.

Then, there are three personages who are responsible and guilty. But can it be thought that by an extraordinary chance, among the persons who directed the Reich as ministers or with equivalent titles, these three persons were criminals and were the only ones who were criminals and they had conspired among themselves to hide from the others their criminal actions This idea is evidently absured. With the interpenetration of all the executive branches in a modern state, all the leaders of the Reich necessarily were aware of the usurpation of sovereignty in the occupied countries and were aware of the criminal abuses which resulted from them.

In this chapter I shall subsequently speak first of Denmark, which is a special case. Then I shall speak of the civil administration which existed in Norway and in Holland, and finally I shall speak of the military administration which was the regime in Belgium and in France.

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I think it would be suitable now for the Tribunal to have a recess at this moment, or, if the Tribunal prefers, I can continue now.

THE PRESIDENT: We will adjourn now, M. Faure.

M. FAURE: Mr. President, after the recess I should like to call the witness of whom I spoke yesterday to the Tribunal. I would like to mention one fact, however. Yesterday the lawyer for Seyss-Inquart requested that it be made possible for him to cross examine this witness on Monday. Now, Mr. - Vorrink, who is my witness, finds himself absolutely forced to leave Nurnberg this evening. I think, then, that the lawyer for Seyss-Inquart might cross examine him today. I should like, in any event, to note the modifications of the request which I made yesterday.

THE PRESIDENT: Wouldn't it be possible, if counsel for Seyss-Inquart wants to cross examine the witness, for the witness to be brought back at some other date?

M. FAURE: My witness can come back, naturally, at another date in the event that it is necessary.

THE PRESIDENT: Let him go this evening in accordance with arrangements that he has made, and then at some date convenient to him he could be brought back if the defendant's counsel want to cross examine him.

(Whereupon a recess was taken from 1120 to 1130 hours).

THE PRESIDENT: Monsieur Faure?

M. FAURE: Mr. President, may I ask the Tribunal if you are willing to have a witness called at this point?

THE PRESIDENT: Yes.

M. FAURE: May I state to the Tribunal that this witness, speaks Dutch as his native tongue, which language is not provided for in the interpreting system, but he will speak in the German language, which he knows well.

(The witness took his place in the box).

BY THE PRESIDENT.

Q. What is your name?

A. Vorrink.

Q. Your Christian name, your first name?

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A. Jacobus.

Q. Do you swear to speak without hate or fear, to say the truth, all the truth and only the truth? Will you raise your right hand and say, "I swear"?

(The witness raised his right hand).

A. I swear.

BY M. FAURE:

Q. Mr. Vorrink, you are a Senator in the Netherlands?

A. Yes, sir.

Q. You are President of the Socialist Party in the Low Countries?

A. Yes, sir.

Q. You exercised these functions in 1940 at the time of the invasion of the Low Countries by the Germans?

A. Yes, sir.

Q. I would like to ask you to give a few explanations on the following situations: There existed in the Low Countries, even before the invasion, a National Socialist Party. I would like you to state what the situation was after the invasion by the Germans and the Occupation, with regard to the different political parties in the Low Countries, and specifically with regard to the National Socialist Party. And what were the interventions of this Party in liaison with the German Occupation?

A. I would prefer to speak in the Dutch language - I am sorry that I do not know French and English well enough to use these languages - but in order not to delay the proceedings I will give my answers in German. This is the sole reason I am using the German language.

The political situation in Holland after the invasion by the Germans was such that in the first place the German Army wanted to maintain public order in Holland, but at once the real Nazis came with Wehrmacht and tried at once to influence and direct the life in Holland, and according to their concepts. There were among the Germans, three tendencies. In the first place, there were those who believed in "blood and soil". They wanted to convert all of Holland to their uses. I must say that this was in certain respects our misfortune, for these people have on

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the basis of their theory -- they loved us too much and when that love was not reciprocated the love turned into hate.

The second tendency consisted in the presence of those who were politically informed and these people knew perfectly well that the Dutch National Socialists formed only a very small part of the population hated by the others They received at the elections of 1935 only 8 per cent of the votes. However, two years later this percentage had been reduced to one-half, and these people were tactlessness itself. For instance, they were able when the ruins of Rotterdam were smoking to make a demonstration at which the Dutch representative dedicated to Goering a new bell, so to speak, as thanks for his achievements for the benefit of Holland. Thank God it has not prevented him from being defeated.

In the third place, there were the so-called troublemakers -- those who wanted to destroy the national unity of Holland. These people in the first place tried through Seyss-Inquart to gain the favor of the Dutch people. Just as Seyss-Inquart did, they always emphasized the affinity between the two people, that they should cooperate; and behind the scenes they have placed one Nazi group against the other.

In Holland at that period there existed the Dutch National Socialist Party. There was the real Nationalist movement of Holland. And there was the so-called National Front. And these three movements had all their contacts with certain German places. The Germans first tried to find out whether it was possible to use these groups for their purposes. Slowly, however, they recognized that it was not possible to work with these groups satisfactorily and so eventually they decided to stick to the National Socialist movement.

These National Socialists slowly occupied positions of importance in the Dutch administration. They were accorded prominent positions in the administration. They became Kommissars of the Provinces. They became Mayors.

I would like to point out some little details as to that. There was not enough people qualified as Mayors, so there upon they instituted short courses of instruction, and it really was a record. They turned out Mayors in Holland within three weeks. You can imagine what kind of Mayors they were.

Furthermore, they also became administrators in the institutions which had been Nazified, and in commercial enterprises, and thereby, of course, they

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occupied positions of power in Holland. In these posts they behaved just like cowards and knaves, as Nazis would.

Mr von Tonningen used millions of Dutch guilders to finance the war in Russia in the name of the fight

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against Bolshevism. Eventually, in December 1942, Seyss-Inquart declared the Nazi Party as the representative of the political development of Holland. I would say that if it hadn't been so sad, one might have laughed at that. I must add that the Nazi Party in political respects was nothing but a shadow, with the single but important exception that these people had occasionally the opportunity to deal with personal matters. I would add in the second place that sometimes they persuaded young Dutchmen to enter the SS formations -- and during the last years that became even worse. Then they even put the young boys, without their parents' permission, into the SS. That went so far that they forced young boys from correctional institutions into the SS. Sometimes young boys who for certain reasons were at odds with their parents were taken into the SS. And to sum up, I would say that one should -- as I have done -- speak to these boys and children in Holland in order to see what a crime was committed against these young people.

Q Mr. Vorrink, am I to understand that the whole of the procedure employed by the Germans was intended to achieve the Nazification of Holland and that if there existed -- as you have indicated -- several varying tendencies amongst the Germans, these tendencies differed only in so far as the means to be employed were concerned and not with respect to the purpose of Germanization?

A The real Nazification of Holland has extended to practically all spheres of our national life. They tried in every domain to introduce the system of the Fuehrer. I would like to point out that contrary to our original expectations, they did not express the Socialist formations, but one just tried to swallow them. Very simply, they sent Nazi Kommissars and told the people that the era of democracy had passed, "Just go on under the leadership of the Kommissar and you can still help the workers. It is not necessary that there be any change." They even tried that with the Dutch political party.

As President of the Socialist Democratic Party of Holland, I had a long conversation with Mr. von Tonningen who told me that it was a pity that the good cultural work in the case of the workmen should cease, and that after all I should be willing to cooperate with him for Socialist purposes and this cooperation should be possible. In this long conversation I refused that. I told him that for us, democracy was not a question of opportunism, but a part

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of our general ideology, and that we were not prepared to commit that treason as far as our convictions were concerned.

Thereupon they tried to keep the workers in their organizations, but slowly the workers -- thousands and tens of thousands of them -- left their organizations. When finally the National Labor Front was created, with the Catholic and Christian Trade Unions, there was an organization all right, but no members.

Q Can you state with accuracy whether in your country persecutions occurred against the Jews?

A One of the worst chapters of what we had to suffer in Holland was the persecution of the Jews. They may know that we in Holland -- and especially in Amsterdam -- had strong Jewish minorities. These Jews took a very active part in the public and cultural life of Holland, and I might say there was no anti-Semitism in Holland.

When in the beginning the Germans came to Holland they promised us that they would not harm the Jews at all. Nevertheless, as early as the first weeks there was a wave of suicides, and during the following month there came the measures against the Jews. The professors in the University were forced to resign. The president of the highest court in Holland was dismissed. Then the Jews had to register. Finally the time came when the Jews were deported in great numbers.

I am proud to say that the Dutch population did not suffer this without protesting. The Dutch students went on strike when the Jewish professors were chased away, and the workmen of Amsterdam went into strike for several days when the first persecution of the Jews went into effect. But perhaps it is necessary that one has seen it with one's own eyes to know what a barbaric system this National Socialist system was.

The Green Police blocked off whole sections of cities, went into apartments, occupied the roofs of the houses, and chased out young and old and deported them in their lorries. In that respect there was no difference made between young and old. We have seen old women, over 70 years old, who were ill and sick at home and had no other desire than to be allowed to die quietly in their own home, they were put on stretchers and carried out of their home. They were sent to the concentration camp and from there to Germany.

I remember very well myself how a mother, when she was taken from her home, gave her baby to a stranger, to a strange woman who was not a Jewess, to look after the little baby. At this moment there still are hundreds of families in Holland where these small Jewish children are being looked after and brought up just like their own childredn.

Q Can you state whether, outside of these measures against the Jews, the Germans concerned themselves with other denominations, other churches?

A The Germans from the beginning have interested themselves very much in order to subject the Church, and the Church never ceased -- I must say, all churches together, the Catholic Church as well as the Protestant Church -- they have protested from the beginning whenever the Germans violated human rights. The Churches have protested against the arrest of persons, there were protests of the workmen, and the Church has also decisively supported these protests.

Of course they clearly had to suffer for that, and hundreds of our pastors and priests have been brought to concentration camps. And of the approximately 20 persons and priests whom I have known in Sachsenhausen, only one has returned to Holland.

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Q Can you state what measures were adopted with regard to culture, propaganda, teaching, for example?

A What upset us most in Holland was, in the first place, not so much our military defeat. We were a small people. I may say that during those days we fought as well as we could, but perhaps it would have been possible to maintain a correct attitude with the occupation forces if it hadn't been for the Nazis' determination to dominate us, not only by military measures but also to break our spirits and to suppress us morally. Therefore, they couldn't refrain from dealing with every mode of life and to try to nazify us.

In that respect, as far as the press is concerned, they have gone so far as to force us to publish editorials in our press which were written by Germans, and to publish these editorials under the name of our journalists, to create the impression that our editors-in-chief had written them. One can even say that these measures were the starting point for the very extensive illegal press in Holland, because we wouldn't tolerate it and wouldn't be lied at systematically by the Germans. We wanted to have a press which would say the truth.

It was the same as far as the radio was concerned. As far as the radio was concerned, it was soon forbidden to listen to foreign stations, and they did not refrain from dealing out exceedingly harsh punishment if people listened to foreign stations. It happened very often that a great many people in Holland listened to the foreign radio, especially the British Broadcasting Company. And we in Hollandwere always proud that the British radio has never hesitated to bring in extenso the pathetic speeches of Hitler and Goering, while we were not allowed to listen to Churchill's speeches. For in those moments we have known very well and very profoundly why we built up our resistance, and we also knew why our Allied friends strove with all their might to deliver the world from the Nazi tyranny.

It was the same in the field of the arts. They created quite a number of guilds for the painters, the musicians, the writers, and they forced the artists that they should organize themselves. It happened that an author could not even publish a book without submitting it to some Nazi illiterate.

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As far as the schools were concerned, for instance, they tried to influence the elementary schools by decreeing that in the simplest books for the children of six to 12 years whole sentences should be struck out, sentence like the following: "That when the Queen was visiting a certain place the children were jubilant. In the school buildings they organized real hunts for pictures of our Royal Family.

M. FAURE: I thank you.

THE PRESIDENT: You have finished your examination, have you?

M. FAURE: Yes, Mr. President.

THE PRESIDENT: General Rudenko?

GENERAL RUDENKO: No questions.

THE PRESIDENT: Does any member of the defendants' counsel wish now to cross examine?

DR. STEINBAUER (Counsel for Seyss-Inquart): In order to avoid that the witness must make the long trip from Holland a second time, I would like, although my client is absent, to cross-examine him today.

BY DR. STEINBAUER:

Q Mr. Witness, when Seyss-Inquart took over the Government in Holland under the decree of May 18, 1940, was the Queen or members of the Dutch Government still on Dutch territory?

A No, they were not.

Q Did the Government of Seyss-Inquart as Kommissar of the Reich leave in office the functionaries of the former Government?

A Yes.

Q Do you know that of the new general secretaries who were still in office from the royal times only one has been dismissed?

A Well, that is possible.

Q Do you further know that of the eleven Kommissars of the Provinces only four were dismissed for political reasons?

A I don't know the exact number, but that is possible.

Q Moreover, do you know how many mayors of the old regime were still in office at the termination of the occupation especially? Is it correct that there were still more than one-half of the royal mayors in office?

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A Yes.

Q You haven't answered quite fully the question which was asked you by the Prosecutor about which political parties were represented in parliament.

A That was the Catholic Party, two Protestant Christian parties, two liberal parties, the Social Democratic Party, and the Communist Party, and then some minor parties.

Q I would now talk about schools and churches. Is it correct that the Dutch school system, during the entire time of Seyss-Inquart, was under the direction of the Dutch?

A It was under the Dutch during the entire time, but we don't consider him as a Dutchman. This Dutchman is today in prison because he committed treason.

Q But he was not a German?

A No.

Q Is it correct that Seyss-Inquart showed great interest in the Dutch School System?

A I can't remember that.

Q For instance, that he added an eighth class to the elementary school

A Yes, that is correct.

Q Did you achieve in that manner that the youth subsequently went into the labor service?

A Yes.

Q Did he show an interest in and did he take into consideration the o wish of the Dutch as far as spelling was concerned, appointing a special investigating committee?

A He has got his information from the wrong people.

Q But he endeavoured.

A Yes, in the wrong direction.

Q Is it correct that he endeavoured to increase the number of teacher

A No, certainly not.

Q That, in the first place, he hired young teachers and reduced expenses thereby?

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A He has done that because he wanted to influence the Dutch youths.

Q Do you know that measures were taken, for instance, in Rotterdam against the schools of economics and that these measures were rescinded upon the action of Seyss-Inquart?

A Will you repeat the question? I did not understand it.

Q Seyss-Inquart has taken measures which took into consideration the protest that the University in Rotterdam should not be interfered with.

A I don't know.

Q As far as the churches are concerned, apart from deportation for political reasons, has the exercise of the Catholic and Protestant religion been made difficult or not?

A The Germans have interfered very much with the exercise of religion. They put stool pigeons into the churches who were to listen to the sermons and to denounce the priests.

Q It has happened in other countries too. Please tell me, could the priest or the parson still continue to preach according to his conscience?

A No, not according to his conscience.

Q Do you know that during the entire time of occupation all confessions had the right to pray for the Queen?

A It was certainly not allowed. Several ministers have been arrested exactly for that reason.

Q Do you know that Seyss-Inquart has prevented 27 cloisters from being confiscated, and that he has refused to allow them to be confiscated?

A I don't know.

Q But perhaps you may know that he prevented the destruction of the synagogues in Rotterdam and in the Hague. The police wanted to destroy them, and he prevented them from it.

A I don't know whether he wanted to prevent it, but actually they have been destroyed, and those who destroyed them have not been punished, and they were those who cooperated in the worst persecutions of the Jews.

Q Witness, do you know that Seyss-Inquart has succeeded insofar as the ministers that were sent to Germany were concerned, that two-thirds of them,

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Catholic and Protestant, were allowed to return to Holland?

A I don't know.

Q Do you know that Seyss-Inquart has prevented valuable works of art, cultural matters like libraries, which were already ready for transportation, to remain in Holland?

A I don't know whether Seyss-Inquart has done anything in that respect I only know that many of these were transported to Germany, and maybe he was not in a position to prevent it.

Q You said that radio was prohibited because it stimulated resistance. Would you have allowed it?

A I would by all means allow the radio. I am of the opinion that people cannot properly function as human beings if they have not a possibility to form their opinions by listening to the pro and con.

Q Was Muessert charged to form a government, or was that not done because Seyss-Inquart objected?

A Actually I don't know, but perhaps you may be right in that respect, that Seyss-Inquart was not a friend of Muessert. Plenty of things happened behind the scenes. While in prison I was taken out of my cell to write an article on the National movement in Holland, and I was requested to give my own personal opinion as far as Muessert was concerned. I answered, "Why should I do it? You know how I think of Muessert and the Dutch movement." They answered: "You can't make it vile enough." I interpreted this as one of the many machinations of the N

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cliques which fought each other.

DR. STEINBAUER: I thank you. I have no further questions.

BY DR. BABEL (Counsel for the SS)

Q Witness, you spoke of Dutch youngsters who had entered into the SS. Could you tell me the total number approximately.

A I would say a few thousand.

Q How many of those entered the ranks voluntarily and how many were forced?

A I can't give you an exact figure, but I think that minors, if they entered the organizations without permission of their parents, they didn't do it voluntarily because they couldn't judge their actions.

Q I haven't asked that question. I asked you how many, in your opinion, joined the SS voluntarily or were forced. Will you answer the question?

A I already said that I can't give you the exact number.

Q Well, an approximate figure.

A I would say several hundred were forced; those were youngsters who for some reason or another left their home, and they were taken by the Green Police or the Security Police and pressed into the SS. I have met quite a few in the Dutch concentration camps, and as an old leader in the Youth Movement I have persuaded them to tell me everything about their life.

THE INTERPRETER: I am sorry; I didn't get the question

A They were put in prison if they were not willing to join the SS.

Q You further said that thousands of workmen left their organizations. Has that been done on a voluntary basis, or what reasons were there?

A The reasons were that the workmen refused to be in a Nazified trade union and to submit to the Fuehrer principle. They wanted to be in their old trade unions where they had to say something themselves.

Q The resignations, therefore, were voluntary?

A Yes.

Q You said that as far as the Jewish question is concerned that, first, it was said nothing should happen to the Jews, but that nevertheless there was a wave of suicide. What was the reasons of those suicides in spite of what had been said?

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A Among the Jews there were those who were really sensible. We didn't live on an island, and we knew all that had happened between 1933 and 1940 in Germany. We knew that in Germany the Jews had been persecuted to death, and I personally have in my possession even today quite a few affidavits of Jews who emigrated, who informed us exactly from hour to hour how they had been tortured by the SS during the period before the war. That of course was known to the Dutch Jews, and in that respect they were more sensible since they knew that they would suffer the same fate.

Q You first said that that happened in large measure?

A In Holland, approximately 30 or 50 people suffered the fate, but in Holland, where we value a life very highly, that is quite a number.

Q Now, you used the word "Nazi illiterate." You used that word, "Nazi illiterate". Have you -- quite apart from, I would say, your not quite friendly attitude towards the Germans -- have you any basis for saying that you have met a German who was illiterate?

A I am rather surprised at this question. I mean by an "illiterate Nazi" a man who talks about things he doesn't understand anything about and in this case, those who judged the work of authors were people who had only to investigate whether in that book a Jew might be mentioned and presented as a good and humane character. In such a case, if that was found, such a book could not be published, and if I used the word "Nazi illiterate", I may add that there were found in German cities in the country of Goethe and Schiller great piles of burned books, books that we had read and admired.

THE PRESIDENT: It is very difficult for us to follow the translation if you speak so fast.

Q I understand you to mean that you have no positive facts which might justify this derogatory word of "Nazi illiterate".

Thank you.

BY DR. PANNENBECKER (Counsel for defendant Frick):

Q I have just one question. You just said that young people were threatened with prison who didn't enter the SS. Do I understand in this way that they would be given prison sentences for prior crimes or that they should

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be imprisoned just because they didn't enter the SS?

A They got a prison sentence, of course, for the reason that -- Whether they would have done it or not, I don't know, but it was a threat. It was one of the usual methods of the Nazis to say, "If you don't do this or that which we want, then we will put you in prison," and the examples of this are so ample that in that respect, one shouldn't have any illusions whatsoever.

Q But it is correct in this case that it was a question of youngsters who had run away from home because of differences with their parents?

A Those are cases which I know personally.

THE PRESIDENT: Does any other Defense Counsel wish to ask any questions?

(No response)

THE PRESIDENT: M. Faure, do you wish to ask any questions?

M. FAURE: I have no further questions.

THE PRESIDENT: Then, the Witness can retire.

(Witness excused).

M. FAURE: I'll ask the Tribunal to be kind enough to take the dossier of the presentation and the document book, the book bearing the title, "Denmark."

The Tribunal knows that Denmark was invaded 9 April 1940, in violation, as in other cases, of treaties, and specifially

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of a treaty which was not very ancient, since it was a non-aggression pact which had been concluded on 31 May 1939.

Inasmuch as Denmark was not in a position to offer armed resistance to this invasion, the Germans sought to establish and to maintain the fiction according to which that country would not, in fact, be an occupied country. They therefore did not set up civil administrations with regulatory powers, as they were going to do in the case of Belgium and Holland.

Moreover, there was in existence in Denmark a military command, inasmuch as troops were there in garrison, but this military command, contrary to what happened in other occupied countries, did not exercise the official authority under the power of formulating ordinances or general regulations.

In spite of this pretence, the Germans did not fail to commit, even in this country which they proclaimed not to be occupying, usurpations of sovereignty. This usurpation was the more to be noted in that it did not, even in German eyes, have any trace of juridical justification.

During the initial period, which extended to the middle of the year 1943. German usurpations assumed a discreet and camouflaged appearance. For this, two reasons may be given. The first was that one had to take into account international public opinion, inasmuch as Denmark was not officially under occupation.

The second reason is that the Germans had conceived the plan to Germanize this country from within by developing their political propaganda along National Socialist lines.

I think that it is worthy of note, very briefly, that this undertaking to proceed with the internal Germanization had already begun before the war. It is set forth in detail and in a most interesting manner in part of a report, an official report submitted by the Danish Government, which I place before the Tribunal as Document No. 901.

This document, No. 901, is the totality of the green dossier which the Tribunal has before it. It comprises several parts. The subject of which I am now speaking is, more specifically, treated in the first document of this bundle. This first document bears at the top as a first formula "Aide Memoire", or "Memorandum."

This document sets forth that even before the war the Germans had organized

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an information service which was supplemented by a sly espionage service. Notably, there had developed a branch of the National Socialist Party, where Germans living in Denmark were recruited.

This is the first notion of a party constituted by Germans only, for we shall see shortly that the National Socialist Party was designated as German.

This branch of the German Party was called "N.S.D.A.P., Ausland Organization, Landeskreis Danemark". It acted in coordination with other institutions; specifically, the Deutsche Akademie, the Danish Chamber of Commerce and the Nordic Association, "Nordische Gesellschaft".

A German organization, designated as Deutsche Fichtebund, which was directly under the Ministry of Popular Instruction and Propaganda in the Reich, had undertaken to launch systematic propaganda on Danish public opinion.

I would like in this connection to quote one passage of the document, which is worthy of note from the point of view of German premeditation and also with regard to the methods employed. This passage is to be found in the first document of which I have spoken, called "Aide Memoire" or "Memorandum." On page 6 of this document. I am now beginning my quotation. Paragraph 2 of page 6, and I will skip the first sentence of the said paragraph.

I call the attention of the Tribunal, in the event that this might be more convenient for them because of the thickness of the document, that this quotation is reproduced in the presentation file.

(Reading)

"This information agency which was functioning in Hamburg, with no less than eight different addresses, gave in one of its publications the following details concerning itself. It was established in January, 1914, in memory of the German philosopher, Fichte and should be considered, therefore, as a 'union for world truth'. The purposes were, first, to encourage mutual understanding by the free publication of information on New Germany, and second, the protection of culture and civilization by the propagation of truths, as against the destructive forces in the world."

I skip one sentence and continue:

"This German propaganda had for its essential purpose and its most obvious aim the creation in Denmark of a nation-wide sentiment favorable to Germany and hostile to England, but it could also represent an attempt for the

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preparation of the ground for the introduction in Denmark of a Nazi system of government by obtaining subterraneously all manifestiations of discontent in Denmark against the democratic regime in order to use such data as documentary proof in the event of a liberation action in the future. Thus, in January, 1940, the propaganda was no longer content merely with attacking England and her methods of conducting the war, or the Jews and their mentality, but it proceeded to actual grave attacks against the point of view of the Parliament and the Government of Denmark."

Finally, the Danish report brings out on this subject a very striking point. At the end of February, 1940, the Danish police was able to seize on the person of a German subject, a document which was entitled, "Project for Propaganda in Denmark." I'll summarize in saying this: Page 7 of this report. One noted a characteristic statement. It is the last sentence in that paragraph, which is placed between quotes in German, with a French translation in parenthesis:

"It should be possible to hold the daily press under the control of the Legation and of her collaborators."

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Germany did not limit herself to the use of her own subjects in the role of agents in the interior of the country and to launch propaganda campaigns, but she also inspired the organization of Danish political bodies which were affiliated with the Nazi Party.

This undertaking at the beginning found favorable ground in Southern Jutland, where there was a German minority. The Germans thus were able to promote the organization of a group called "Schleswigsche Kammeradschaft," or S.K. which exactly corresponds to the German SA. The members of this group received military training.

Likewise, a group designated as "Deutsche Jugendschaft Norschleswig" had been organized on the pattern of the Hitler Jugend.

I want to call the attention of the Tribunal to the fact that I am now summarizing the statements found in the Danish report in order not to give a prolonged reading. These statements are developed in detail in the following chapter of the report and, specifically in respect to what I have said, on page 7 of said report.

This German encroachment has been completed by social institutions such as Wohlfahrtsdiens, which was founded in 1929 at Tinglev, and the Deutsche Selbsthilfe, which was founded in 1935, and also by economic organizations, the name of which is "Kreditanstalt Vogesgesand", which, through a very clever and secret financing on the part of the Reich, was able to take over important agricultural properties.

The movement stimulated in the southern part of the Jutland was then spread to the whole of Denmark. Thus, there existed, even before the war, a National Socialist Party of Denmark, whose leader was Fritz Clausen. We read in the government report:

"With regard to the relations of the Party with Germany prior to the occupation, this much must be said: That Fritz Clausen himself, as well as the members of the Party, took quite an assiduous part in the Party Days held in Nurnberg and the Congres de Streicher at Erfurth, and that, in any event, Fritz Clausen personally was in very close relationship with the German Ministry for Foreign Affairs."

This process for the development of Nazism in Denmark, starting from

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Southern Jutland and to be spread over the rest of the country, is illustrated by the fact that the Nazi newspaper, called "The Fatherland", which at first was published in Southern Jutland, was transferred in October 1939 to Copenhagen, where it was thenceforth published as a morning daily.

Such, then, was the situation at the time of the beginning of the occupation. As I have indicated, the Germans did not establish a formal occupation authority. It is understandable that the two principal agents for the usurpation of sovereignty in Denmark were the diplomatic representation, on the one hand, and the Danish Nazi Party on the other.

The German Reich Plenipotentiary was at first von Renthe-Fink, and later, beginning in October 1942, Dr. Best.

Diplomatic interventions against Danish sovereignty were numerous, and they involved, under a more or less discreet form, the most sweeping demands. For example, I will cite a document which is a part of the Government's report. This document is a memorandum submitted by the Reich Plenipotentiary on 12 April 1941.

May I call the attention of the Tribunal to the fact that this text is to be found in the third of the booklets which are before it. The third booklet is entitled, "Second Memorandum", or, more specifically, it comes after the second bundle, and there is really a title as "Annex One." I am now quoting:

"The German Reich Plenipotentiary has received instructions to demand from the Royal Government of Denmark:

"First: Whether His Majesty, the King of Denmark, to whom M. De Kauffmann, Minister of Denmark now refers, or whether any member of the Royal Danish Government before its being published, have had any information on the treaty concluded between M. de Kauffmann and the American Government.

"Second: The immediate execution of the recall of M. de Kauffmann, Minister of Denmark, by His Majesty, the King of Denmark.

"Third: The delivery without delay to the Charge d'Affaires of the United States in Copenhagen of a note disavowing M. de Kauffmann, communicating the fact that he was being recalled, stating that the treaty thus concluded did not bind the Danish Government, and formulating the most energetic protest

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against the American procedure.

"Four: A communication to be published in the press, according to which the Danish Royal Government would clearly state that M. de Kauffmann did act against the will of His Majesty, the King, and of the Danish Royal Government and without their authorization; that he has been recalled; and that the Danish Government considers the treaty thus concluded as not being binding upon it and has formulated protests of the most energetic character against the American procedure.

"Fifth: The promulgation of a law, according to which the loss of nationality and the confiscation of property may be pronounced against any Danish subject who abroad has been guilty of grave offenses against the interests of Denmark or against the provisions adopted by the Danish Government.

"Sixth: M. de Kauffmann to be brought before the Tribunal for the crime of high treason, by virtue of Article 98 of the penal civil code, and of Article 3, Section 3n of the law of 18 January 1941, and loss of nationality for him in conformity with a law to be edicted, as mentioned under Paragraph 5."

I believe that one can see by this very characteristic example how the sovereignty of the legitimate Danish Government was violated by the Germans. They gave orders in the field of international relations, which constitute the essential attribute of the sovereignty of an independent state. They even go so far, as the Tribunal has seen in the last paragraph, to demand that a law be passed in accordance with their wishes and that action for high treason be pronounced in conformity with the law, which may be hypothetically formulated at a later date.

To conclude the subject, I would like to read a passage of the Danish Government's report which appears in the second supplementary memorandum on page 4. The second supplementary memorandum is the third paper in the Green File. I am beginning in the middle of the second paragraph:

"In the month of October there occurred a sudden crisis. The Germans claimed that His Majesty the King had offended Hitler by too short a reply to a telegram which the latter had sent to him. The Germans reacted harshly with extreme violence. The German Minister in Copenhagen was immediately recalled.

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The Danish Minister in Berlin was then called to Denmark. Minister von Renthe-Fink was replaced by Dr. Best, who arrived in the country with the title of Plenipotentiary of the German Reich and who brought with him extensive demands on the part of the German Minister of Foreign Affairs, Von Ribbentrop, demanding a change in the Danish Government and the admission into the Government of National Socialists. These demands were refused on the part of Denmark and, the matter having been dragged out by the Government, they were finally abandoned by Dr. Best.

THE PRESIDENT: This may be a convenient time to break off.

(Whereupon at 1300 hours the Tribunal adjourned to reconvene at 1000 hours, Monday 4th February 1946).